

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT L. RETTINO,

Appellant,

- against -

NEW YORK CITY DEPARTMENT OF
EDUCATION ET AL.,

Appellees.

19-cv-5326 (JGK)

MEMORANDUM OPINION
AND ORDER

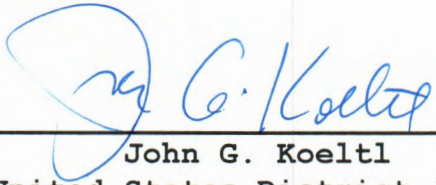
JOHN G. KOELTL, District Judge:

Appellant Robert L. Rettino has moved for leave to proceed *in forma pauperis* on appeal. "The decision of whether to grant a request to proceed *in forma pauperis* is left to the District Court's discretion under 28 U.S.C. § 1915. The Court's discretion is limited in that: An appeal may not be taken in *forma pauperis* if the trial court certifies in writing that it is not taken in good faith." Burda Media Inc. v. Blumenberg, 731 F. Supp. 2d 321, 322-23 (S.D.N.Y. 2010) (citations and internal quotation marks omitted). The "good faith" standard is an objective one, and it is not met when a party seeks review of a frivolous claim. See Coppedge v. United States, 369 U.S. 438, 445 (1962); Linden v. Harper & Row Publishers, 490 F. Supp. 297, 300 (S.D.N.Y. 1980) (applying the objective good faith standard in the civil context). Here, the appellant has failed to demonstrate that his claims have any merit. Accordingly, the appellant's application to proceed in *forma pauperis* is **denied**,

without prejudice to the appellant's ability to seek the same relief from the Court of Appeals. See Coppedge, 369 U.S. at 445. The Clerk is directed to **close Docket No. 60**.

SO ORDERED.

**Dated: New York, New York
August 8, 2021**



**John G. Koeltl
United States District Judge**